IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTEENTH DAY OF MAY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 11452 of 2005

Between:

Velagala Satyanarayan Reddy S/o. Narayan Reddy
R/o. Ayinaparru Iravavaram Mandal, W.G.District.

..... PETITIONER

AND

1 The District Collector, W.G.District Eluru.
2 The Superintending Engineer, R&B Dept., Eluru.
3 The Junior Engineer, R&B Dept., Eluru.
4 The Zilla Parishad Rep. by its Chief Executive Officer, Eluru.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ of mandamus declaring the action of the respondents in proposing to demolish the petitioners residential house including compound walls in Ayinaparru Village, Iragavaram Mandal, West Godavari District bearing door.No.1-98(1-76 is old no.) of extent 576.4 square yards in R.S.No.238/81 having following boundaries EAST- House of Bathireddy Venkatreddy WEST-Panchayat Road SOUTH- Z.P. RoadNORTH- House of Bathireddy Sambireddy without following the due process of law as illegal,arbitrary and violative of art.21,30A of constitution of India and violative of principles of natural justice and consequently direct the respondents not to demolish petitioners residential house including compound walls in Ayinaparru Village, Iragavaram Mandal, West Godavari District bearing Door.No.1-98(1-76 is Old No.) of extent 576.4 square yards in R.S.No.238/81 having following boudaries EAST- House of Bathireddy Venkatreddy WEST- Panchayat Road SOUTH- Z.P Road North- House of Bathireddy Sambireddy except in accordance with law.

Counsel for the Petitioner: MRNVIJAY

Counsel for the Respondents: GP FOR REVENUE

The Court made the following:

ORDER:

The petitioner submits that he is the absolute owner and possessor of the house bearing Door No.1-98 (1-76 is old number) of an extent of 576.4 square yards in R.S.No.238/81 situated at Ayinaparru Village of Iragavaram Mandal, West Godavari District.

It is stated that the petitioner has been in possession of the said property for the last 30 years and paying the tax fee to the Gram Panchayat. While so, the respondents are threatened to demolish the compound wall of the house of the petitioner on 12-05-2005 for the purpose of widening of the road situated on the southern side of his house.

The respondents cannot demolish any structures or take away the possession of the land of the petitioner without following due process of law and without paying compensation for the structures of the land.

Accordingly, the respondents are directed not to demolish or take away any portion of the land of the petitioner without following due process of law and without paying the compensation payable to him either by way of private negotiations, and if the petitioner do not agree by way of private negotiations, by following land acquisition proceedings under the Land Acquisition Act.

The writ petition is disposed of accordingly. No costs.

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V.ESWARAIAH, J

Dated 17th May, 2005.

YCR/ES

To

1 The District Collector, W.G.District Eluru.
2 The Superintending Engineer, R&B Dept., Eluru.
3 The Junior Engineer, R&B Dept., Eluru.
4 The Chief Executive Officer, Zilla Parishad, Eluru.

5. 2 CCs to G.P. for Revenue, High Court Buildings, Hyderabad. (OUT)

6. 2 C.D. copies